

October 13, 2004

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, October 13, 2004, at 3:00 p.m. at the Rockingham County Administration Center, Harrisonburg, Virginia. The following members were present:

PABLO CUEVAS, Election District #1  
CHARLES W. AHREND, Election District #2  
DEE E. FLOYD, Election District #3  
WILLIAM B. KYGER, JR., Election District #4  
MICHAEL A. BREEDEN, Election District #5

Also present:

JOSEPH S. PAXTON, County Administrator  
G. CHRIS BROWN, County Attorney  
STEPHEN G. KING, Deputy County Administrator  
JAMES L. ALLMENDINER, Director of Finance  
WENDELL J. EBERLY, Director of Recreation & Facilities  
FRANKLIN P. O'BYRNE, Director of Information Systems  
DIANA C. STULTZ, Zoning Administrator  
ROBERT A. SYMONS, Fire & Rescue Chief  
WILLIAM L. VAUGHN, Director of Community Development  
DOTTIE L. BOWEN, Deputy Clerk  
DONALD KOMARA, Resident Engineer  
Virginia Department of Transportation

oooooOooooo

**CALL TO ORDER**  
**PLEDGE OF ALLEGIANCE AND INVOCATION.**

Chairman Ahrend called the meeting to order at 3:00 p.m.

Deputy County Administrator King led the Pledge of Allegiance, and Supervisor Breeden gave the Invocation, asking for a moment of silence in memory of Ted Guzewicz.

oooooOooooo

**STUDENTS WELCOMED.**

The Board welcomed students from Eastern Mennonite High School.

oooooOooooo

**APPROVAL OF MINUTES.**

On motion by Supervisor Cuevas, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board approved the minutes dated September 22, 2004, with clerical corrections to page 3.

oooooOooooo

**TRANSPORTATION DEPARTMENT.**

The Board heard Mr. Komara's report on the activities of the Transportation Department.

Supervisor Kyger noted that asphalt was added on the sides of Route 257, which he assumed was for the purpose of bicycle lanes. Mr. Komara noted that the preliminary engineering phase of the funding for bicycle lanes on Route 42 will be available in January 2005 so that the project would probably be completed the following summer.

In response to a question from Supervisor Kyger regarding the placement of outdoor political signs, Mr. Komara advised that, if requested, someone from his office would go out to advise on the proper placement of such signs.

Supervisor Cuevas expressed his appreciation for the progress being made on Route 812.

Supervisor Breeden and Mr. Komara agreed to meet with the residents of Big Run Estates to discuss the road project for that community.

In response to a question from Supervisor Breeden, Mr. Komara agreed to investigate the possibility of adding double lines on East Side Highway where motorists are passing other vehicles on the hill.

In response to a question from Supervisor Floyd, Mr. Komara agreed to investigate whether the culvert is too small on Route 689, off Port Republic Road, where water is flowing down the hill from a construction site and pooling on the road.

Supervisor Floyd suggested that flashing lights, a reduced speed limit or some other method be found to warn

people who are driving on Route 33 toward the intersection of Cross Keys Road, where there was a recent traffic accident. He also noted large trucks should be prohibited from using Route 689 where school buses often have to pull to the side of the road to let trucks pass. He also asked that signs be added on I-81 so that people will be informed of the exit for the Rockingham County Fairgrounds.

oooooOooooo

#### **REPORT ON GANGS IN THE VALLEY.**

The Board heard a report concerning "Gangs in the Valley" by Sheriff Don Farley and Sgt. Chris Rush from the Harrisonburg Police Department, requesting funding for a Gangs Task Force.

The Board held a lengthy discussion regarding this matter. No action was taken.

oooooOooooo

#### **COUNTY ADMINISTRATOR'S STAFF REPORT.**

The Board received and reviewed Mr. Paxton's staff report dated October 6, 2004, including information on the Urban Growth Study, proposed City Liaison Committee meeting, Virginia Poultry Growers Cooperative, Trackside Road improvements, new Elkton Community Center, proposed Gang Task Force, finalization of the costs for the new radio communications system, relocation of Rockingham Memorial Hospital to a site in the County, and infrastructure bids for the Technology and Industrial Park (TIP).

Supervisor Cuevas reminded the Board that a work session on the radio communications system would need to be scheduled in the future.

On motion by Supervisor Breeden, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; at the request of Mr. Paxton, the Board declared as surplus a group of cubicle partitions and authorized its sale to Office Products for \$250.

In regard to the closing of the Hinton Poultry Plant, Mr. Paxton noted that the Board had considered what action the County could take to assist the Virginia Poultry Growers Cooperative and its 160 plus growers and 1,000 employees that were affected by the closing of the plant. He noted that the County worked closely with the growers who were trying to start a cooperative as well as federal and state agencies in an effort to come up with ways to assist them. He noted that the group completed its

acquisition of the plant facilities. He pointed out that the County recently adopted a Comprehensive Plan in which the continuation of agriculture was seen as a major goal, and he noted that the survival of the Hinton plant would help meet that goal. He stated that, when Donnelley wanted to open a plant, the County paid for water and sewer lines to be extended to Donnelley. He noted that when Wal-Mart wanted to purchase property that JCPenney owned, the County stepped forward and saw the economic advantage to the community. He pointed out that, when Morning Star announced that it would expand its facility to double its capacity, the County hired additional staff to increase the treatment plant capacity. He stated that the County bought land for the Technology and Industrial Park to attract new economy to the County. He noted that, when Coors announced that it wanted to build an East Coast brewery, the County's Technological Zone provided opportunity for that expansion. Therefore, he noted, in looking at the economic situation that presented itself with the Cooperative and looking at how the County could best assist, the Board decided to work with the County's Industrial Development Authority and to provide a grant under the Authority. He stated that, under state law, the County could appropriate funds to any authority it creates. He noted that the Board had before it consideration of a \$100,000 appropriation to the Rockingham County Industrial Development Authority for the sole purpose of providing an economic development grant to the Virginia Poultry Growers Cooperative.

On motion by Supervisor Cuevas, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board adopted the following Resolution No. 04-23 approving a \$100,000 to the Industrial Development Authority to permit the Authority to make an economic development grant to the Virginia Poultry Growers Cooperative, Inc.

#### RESOLUTION NO. 04-23

WHEREAS, Section 15.2-2200 of the Code of Virginia, 1950, as amended (the "Virginia Code"), specifically encourages localities to preserve agricultural land; and

WHEREAS, in keeping with the Comprehensive Plan for Rockingham County, Virginia (the "County") to promote agriculture in the County, the Board of Supervisors (the "Board") desires to continue its leadership and guidance to carry out such purposes of the Comprehensive Plan in accordance with present and future needs and resources in the County, in order to best promote the health, safety, morals, order, convenience, prosperity and general welfare of all County inhabitants; and

WHEREAS, the Virginia Poultry Growers Cooperative, Inc., a Virginia agricultural cooperative association recognized under Section 521 of the Internal Revenue Code as an exempt farmers' cooperative (the "Poultry Cooperative"), has been organized, among other reasons, in an effort to assure a strong, viable economy in the County by providing employment for citizens in the County; and

WHEREAS, upon consideration that over 80 family-owned poultry farms, that were previously under contract with Pilgrim's Pride Turkey Division, exist in the County, and, further, upon full and mature consideration of the number of jobs and businesses that are dependent upon the prosperity and welfare of agriculture and agri-business activities in the County, the Board has determined to provide encouragement and support for the activities of the Poultry Cooperative, including the continued operation of the poultry plant located in the County at Hinton; and

WHEREAS, the Industrial Development Authority of Rockingham County, Virginia (the "IDA") was established by the Board on November 11, 1972, with such powers as granted under the Industrial Development and Revenue Bond Act as set forth in Chapter 49 of Title 15.2 of the Virginia Code (the "Act"); and

WHEREAS, in accordance with Section 15.2-953 of the Virginia Code, the County may make gifts, donations and appropriations of money to the IDA for the purpose of promoting economic development; and

WHEREAS, Section 15.2-4905 under the Act specifically permits the IDA to accept contributions, grants and other financial assistance from the County in order for the IDA to make grants to promote economic development in the County and carry out the intent of the Act.

NOW, THEREFORE, BE IT RESOLVED by the Board as follows:

1. The Board hereby determines it to be in the best interests of the County to provide encouragement and support for the activities of the Poultry Cooperative, all as described above in this Resolution. To such end, the Board hereby approves a \$100,000 appropriation to the IDA in order to permit the IDA to make an economic development grant to the Poultry Cooperative for investment in the promotion of agriculture in the County, including the continued prosperity and welfare of County inhabitants who are employed in jobs and other related businesses that are dependent upon agriculture and agri-business activities in the County.

2. The Chairman and Vice-Chairman of the Board, and the County Administrator, any one or more of whom may act, and such officers, employees, and agents of the County as any of them may designate, are each authorized and directed to execute and deliver any and all instruments, certificates and other documents required to carry out the purposes of this Resolution, all as may be advised by legal counsel. Further, the Chairman and Vice-Chairman of the Board, and the County Administrator, any one or more of whom may act, are hereby directed to coordinate with the IDA in order for the IDA to accomplish all such further actions as may be necessary or convenient, or as may be required by law, in order to carry out the intent and purposes of this Resolution.

3. This Resolution is effective immediately upon its adoption.

Date: October 13, 2004

ROCKINGHAM COUNTY, VIRGINIA

By: \_\_\_\_\_  
Chairman, Board of Supervisors

CERTIFICATE

The undersigned Clerk of the Board of Supervisors of Rockingham County, Virginia, hereby certifies that the foregoing constitutes a true and correct copy of a resolution adopted by the Board of Supervisors at a regular meeting duly held and called on October 13, 2004. A record of the roll-call vote by the Board of Supervisors is as follows:

	AYE	NAY	ABSTAIN	ABSENT
Charles W. Ahrend, Chairman				
William B. Kyger, Jr.				
Michael A. Breeden				
Dee E. Floyd				
Pablo Cuevas				

Dated: October 13, 2004

[SEAL] \_\_\_\_\_  
Clerk, Board of Supervisors  
Rockingham County, Virginia

oooooOooooo

AUTHORIZATION FOR REFUND TO WAL-MART.

On motion by Supervisor Kyger, seconded by Supervisor Floyd and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; as requested by the Commissioner of the Revenue, the Board authorized the Treasurer to refund \$21,452.71 to Wal-Mart Stores for tax paid to the County in error.

oooooOooooo

SUPPORT OF CUMBERLAND COUNTY'S FUNDING AND STAFFING  
DEFICIT IN THE VIRGINIA STATE PARK SYSTEM.

On motion by Supervisor Kyger, seconded by Supervisor Floyd and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD -

AYE; KYGER - AYE; the Board agreed to support a resolution adopted by Cumberland County, requesting that the Governor and General Assembly address urgent funding and staffing deficits in the Virginia State Park System.

oooooOooooo

**APPROVAL FOR HEARTLAND VETERINARY CLINIC TO HOLD RABIES CLINICS IN FULKS RUN AND ELKTON IN JANUARY 2005.**

On motion by Supervisor Cuevas, seconded by Supervisor Breeden and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board approved the request of Heartland Veterinary Clinic to hold rabies clinics in Fulks Run and Elkton in January 2005.

oooooOooooo

**RESOLUTION NO. 04-22 IN SUPPORT OF THE SHENANDOAH VALLEY REGIONAL WATER RESOURCES POLICY COMMITTEE MEMORANDUM OF UNDERSTANDING.**

Mr. King explained to the Board that the County's water supply is very stable. He noted that there are other areas, however, that have problems. He pointed out that the proposed water study would help the County meet EPA and state requirements. He noted that participation in the study would cost the County about \$8,000 and that staff would come back to the Board with a specific dollar amount.

On motion by Supervisor Cuevas, seconded by Supervisor Breeden and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board adopted the following resolution.

**RESOLUTION 04-22 IN SUPPORT OF THE  
SHENANDOAH VALLEY REGIONAL WATER RESOURCES  
POLICY COMMITTEE  
MEMORANDUM OF UNDERSTANDING**

WHEREAS, the water resources of the Shenandoah Valley, both surface water and ground water, are primary to its character and essential for the long term economic viability of the Shenandoah Valley Counties of Augusta, Berkeley, Clarke, Frederick, Jefferson, Page, Rockingham, Shenandoah, Warren, and the cities and towns therein, and the Independent Cities of Harrisonburg, Staunton, Waynesboro and Winchester; and

WHEREAS, the 1999 drought brought together localities of the Northern Shenandoah Valley Regional Commission to consider long term water supply issues; and

WHEREAS, establishment of the Regional Water Resources Policy Committee in 2002 led to invitations for upstream and downstream jurisdictions to join in the process to seek a comprehensive plan for ground and surface water resources for the many watersheds of the Shenandoah Valley; and

WHEREAS, the region matches that of the Great Valley Water Resources Science Forum, a new U.S. Geological Survey bi-state cooperative group which has scoped out a ten year water science plan to learn more about the hydro-geologic characteristics of the Shenandoah Valley; and

WHEREAS, the Regional Water Resources Policy Committee received a grant from the Agua Fund, Inc., to conduct the Shenandoah Valley Watersheds Policy Integration Assessment; and

WHEREAS, the Assessment was designed to have three major outcomes: (1) a comprehensive water resources goal structure; (2) a water resources programs database aligned based on the goal structure; and (3) a Shenandoah Valley Water Resources Comprehensive Plan development process that the Committee could pursue; and

WHEREAS, the Assessment has been completed, recommending that the Committee engage in the development of an action oriented policy-level Shenandoah Valley Water Resources Comprehensive Plan to determine cost-effective and workable action plans to address key issues identified during the assessment process as the first step in a continuous comprehensive planning process; and

WHEREAS, Shenandoah Valley Pure Water Forum is taking the lead to further develop the water resources database to serve as a regional information sharing and network building tool; and

WHEREAS, water planning responsibilities continue to be heaped on local governments, thus competing for scarce local resources, and the proposed Shenandoah Valley Water Resources Comprehensive Plan approach intends to:

- (1) be the vehicle to help localities cost-effectively meet their individual requirements for completing state and federal planning processes, including, but not limited to the Chesapeake Bay 2000 Agreement watershed planning goal and state water supply planning requirements;
- (2) leverage work already being performed by and for local governments, stakeholder groups, the private sector, regional commissions, the Shenandoah Valley Pure Water Forum, and State and Federal agencies;
- (3) continue networking regionally in order to provide each community with more skills and manpower than they would have if they planned alone; and
- (4) ensure planning is based on current information and an increasing base of scientific knowledge about water resources in the Shenandoah Valley by the long term utilization of USGS and other research resources.



WHEREAS, historical development pressure from the Washington, D. C. – Baltimore CMSA, 1970 to 2000, led to population growth of 88% (277,500 to 520,600) and total housing grew by 50% (144,465 to 217,250) in region and that continuation of the trend at a somewhat slower rate, but with greater household impact, could increase the population by 78% to 926,700 in 2050 with household size declines leading to a housing stock of 403,900 an increase of 86%; and

WHEREAS, formalization of the Committee by local government resolution will give the process legitimacy and further ability to apply for grants and funds on behalf of the Shenandoah Valley region, both leveraging existing local funds used for water projects as well as enabling the Committee to support grant applications of localities, organizations, businesses and agencies for water related programs as contributing to achieving goals of the regional community, as well as the local communities; and

WHEREAS, state and federal regulations encourage regional efforts and most funders, including government agencies are focusing their financial support on regional actions; and

WHEREAS, a regional group will have more political influence and regional solution will be less likely to be modified or over-ruled by a state agency; and

WHEREAS, through the "Shenandoah Valley Watersheds Policy Integration Assessment," we have generated the following benefits:

- (1) a locally developed set of comprehensive regional water resource goals;
- (2) a central database that lists most of the groups working on water issues, the kinds of projects they are working on, where they are doing their work;
- (3) an understanding of the data that is available today and a central database that lists the kinds of data being collected as well as who is collecting it;
- (4) a listing of the major regulatory issues facing local jurisdictions with regard to water;
- (5) feedback from important stakeholders about "keys to success" for projects like this;
- (6) an action oriented policy-level Water Resources Comprehensive Plan strategy which will progress as a locally based, regionally networked Plan to ensure Shenandoah Valley water resources will not be overcommitted to the detriment of current and future generations;

NOW, THEREFORE, BE IT RESOLVED, that Rockingham County will: (1) participate in the Regional Water Resources Policy Committee for development of the Assessment recommended policy-level Shenandoah Valley Water Resources Comprehensive Plan at an estimated cost of \$90,000 (2) will appoint an elected official representative and/or an

alternate elected official or appointee for a three year term; (3) will appoint, assign or encourage, as appropriate, local government staff and related agency personnel to participate on technical committees related to inter-county as well as intra-county coordination; and (4) will participate in funding the Committee's work in FY 2004-05 based on a per capita base rate not to exceed twenty cents in order to leverage grant funds (5) agrees to utilization of the Northern Shenandoah Valley Regional Commission as the fiscal agent for the initial five year period; and (6) recognizes this resolution as the basic Memorandum of Understanding (MOU), relative to the Committee,

FURTHER BE IT RESOLVED that the County commends the representatives, stakeholders, organizations and agencies who contributed to the success of the Assessment process.

oooooOooooo

#### **PERSONAL PROPERTY RELIEF ACT REVISIONS OF 2004.**

The Board heard a report by Mr. Paxton concerning the Personal Property Relief Act revisions of 2004 and its movement of reimbursement to a fiscal year basis beginning July 1, 2006, which would cause substantial cash-flow dislocation for the approximately 40 jurisdictions that are on a spring billing schedule, including Rockingham County.

Supervisor Kyger suggested that Board members and County staff meet with various local civic associations to bring this matter to their attention.

oooooOooooo

#### **HALLOWEEN OBSERVANCE.**

The Board took no action on a proposal to change the date for Halloween in the County.

oooooOooooo

#### **DEPUTY COUNTY ADMINISTRATOR'S STAFF REPORT.**

The Board received and reviewed Mr. King's staff report dated October 7, 2004, including information concerning value engineering modifications for the Technology and Industrial Park (TIP) bids and concerning bids for wireless telephone service.

Mr. King presented a copy of an October 6, 2004, memorandum from Engineering Concepts with an analysis of

the TIP bids. He noted that staff had reviewed the bid results and had given consideration to a number of potential cost savings measures. He recommended the following two value engineering modifications.

1. "The desire was that the roadway extend at least to a point beyond the stream crossing. We concur with Engineering Concepts' opinion that the roadway can be shortened by an estimated 200' and the cul-de-sac eliminated, without compromising the original intent. The roadway terminus would be as shown on the marked-up drawing with the portion crosshatched in red being eliminated. This arrangement provides for a more than adequate turning radius for trucks and emergency response vehicles. This change will reduce project costs by an estimated \$175,000."
2. "Staff also concurs with a reduction in the size of the stream crossing to provide for a 25- instead of 100-year design capacity. Note that VDOT requires a 10-year capacity. This modification will reduce project costs by an estimated \$254,150."

On motion by Supervisor Cuevas, seconded by Supervisor Breeden and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; as recommended by the Building and Grounds Committee, the Board approved the two value engineering modifications in the contract for infrastructure for the Technology and Industrial Park (TIP) and awarded the contract to Alex E. Paris Contracting Company, Inc., in an amount up to \$3,600,204. Staff was authorized to make adjustments and changes in the contract, within the scope and funding for the project, in consultation with the engineering firm.

In response to an inquiry by Supervisor Floyd concerning progress on the Massanetta Springs Pump Station, Mr. King advised that the contract specified the completion dates and the contractor would pay liquidated damages if the contract terms were not met.

oooooOooooo

#### **FINANCE DIRECTOR'S STAFF REPORT.**

The Board received and reviewed Mr. Allmendinger's staff report dated October 6, 2004, including information concerning the annual audit, landfill and water/sewer billings, and conference on Eden Gold computer software which was recently attended by Mr. Allmendinger and two of his staff members.

On motion by Supervisor Cuevas, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; as recommended by the Finance Committee, the Board:

- As requested by the Sheriff, approved a supplemental apportion in the amount of \$20,611 for a Special Grant Award, Improving Terrorism-Related Capabilities. Grant 05-A4644BY03 was awarded by the Department of Criminal Justice Services for the purchase of an ID 500 Live Scan identification system, 35mm cameras, camera cases, and network cables. Federal funding has been provided in the amount of \$15,458 with a required local match of \$5,153.to be made available from the Contingency account (# 001-09110-000-5800-000).

\$14,297 001-03102-100-8001-000 Machinery & Equipment  
\$ 6,314 001-03102-100-6065-000 Minor Equipment

- As requested by the Fire and Rescue Chief, approved a supplemental appropriation in the amount of \$12,950 for a Virginia Department of Health, Office of Emergency Medical Services, Rural Access to Emergency Devices Grant, for the purchase of 10 Automated External Defibrillators. State funding has been provided for this purchase with no local match required.

Supplemental Appropriation: \$12,950  
001-03203-000-6065-000 (Minor Equipment)

- As requested by the Director of Social Services, approved a supplemental appropriation in the amount of \$41,739 for VIEW-Virginia Initiative for Employment not Welfare. These funds will be used to provide training for employment and are Federal and State funded, requiring no local match.

\$15,200 GL Code: 220-05302-100-5757-000  
(Virginia Initiative for Employment not Welfare) County

\$26,539 GL Code: 220-05302-200-5757-000  
(Virginia Initiative for Employment not Welfare) City

oooooOooooo

# **PUBLIC WORKS DIRECTOR'S STAFF REPORT.**

The Board received and reviewed Mr. King's staff report (for Ms. Hoover in her absence) dated October 7, 2004, including information concerning progress on the sewer project for Route 11 North; Countryside water system; Penn Laird Drive and Water Tower Road sewer; Lakewood/Massanetta Springs pump station, Spotswood High School water tank and waterline extension, Wal-Mart water and sewer project, Grottoes Container Site, Water/Sewer specifications, and Posi-shell equipment which is now in operation and being utilized on a daily basis at the landfill.

oooooOooooo

**COMMUNITY DEVELOPMENT DIRECTOR'S STAFF REPORT.**

The Board received and reviewed Mr. Vaughn's staff report dated October 7, 2004, including information concerning Planning Commission activities, priority projects underway, the McGaheysville Area Study, and tabled requests.

oooooOooooo

**INFORMATION SYSTEMS DIRECTOR'S STAFF REPORT.**

The Board received and reviewed Mr. O'Byrne's staff report dated October 7, 2004, including information concerning priority projects underway and equipment.

oooooOooooo

**FIRE & RESCUE CHIEF'S STAFF REPORT.**

The Board received and reviewed Chief Symons' staff report dated October 5, 2004, including information concerning personnel, training, Prevention Division activities, Public Education, and miscellaneous activities.

On motion by Supervisor Breeden, seconded by Supervisor Floyd and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board gave authority for the National Resources Conservation Service (NRCS) to continue with the next phase of the watershed assessment for Germany River and Naked Creek.

On motion by Supervisor Cuevas, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board adopted the following Resolution No. 04-24 endorsing the provision of Advanced Life Support/Transport services by the Broadway Volunteer Fire Company.

**RESOLUTION NO. 04-24**

WHEREAS, Broadway Volunteer Fire Company desires to offer Basic Life Support/Transport services to residents and visitors of Rockingham County, Virginia; and

WHEREAS, the public safety of residents and visitors of Rockingham County may be enhanced by the provision of Advanced Life Support/Transport by Emergency Medical Technicians; and

WHEREAS, the provision of such services will be under the medical control of an Operation Medical Director who is a licensed physician in the Commonwealth of Virginia; and

WHEREAS, the Rules and Regulations Governing Emergency Medical Services established by the State Board of Health require endorsement of the governing body for an agency to provide such services.

NOW, THEREFORE, BE IT RESOLVED, that the Rockingham County Board of Supervisors does hereby endorse the provision of Advanced Life Support/Transport services by the Broadway Volunteer Fire Company.

Chief Symons advised that next week he and his staff would be reviewing possible sites for an emergency helicopter landing strip in the Bergton area.

oooooOooooo

**RECREATION & FACILITIES DIRECTOR'S STAFF REPORT.**

The Board received and reviewed Mr. Eberly's staff report dated October 7, 2004, including information concerning personnel, facilities, and Recreation programs.

oooooOooooo

**RECESS FOR DINNER.**

At 5:25 Chairman Ahrend recessed the meeting for dinner.

oooooOooooo

**PUBLIC HEARING - SPECIAL USE PERMIT REQUESTS.**

At 7:00 p.m., Chairman Ahrend called the meeting back to order and declared the meeting open for a Public Hearing on the following special use permit requests. Ms. Stultz reviewed the details of the requests.

S04-51, request of L. Wayne & Patricia E. Harper, 1161 Sharpes Drive, for indoor recreation (Pump for Parties franchise) on property located on the north side of Cecil Wampler (Route 704) approximately 1,000 feet southeast of South Valley Pike (Route 11) in Ashby Magisterial District, Election District #4, zoned B-1 conditional (General Business with conditions). Tax Map # 123-(A)-73 (portion).

Mr. Harper advised that he and his wife planned a "premier family entertainment center for private parties and reservations only." He noted that it could be used for birthday parties, corporate team building, "mommy and me" programs, Boy Scouts, church groups, and others.

No opposition was expressed.

-----

S04-52, request of Thomas O. Dean, 19952 Mt. Pleasant Road, Elkton, for a second residence on property (for son who works on farm) on property located on the south side of Mt. Pleasant Road (Route 623) approximately 1/4 mile west of Hensley Hollow Road (Route 622) in Stonewall Magisterial District, Election District #5, zoned A-2 (General Agricultural). Tax Map #132-(A)-123.

The applicant was present to answer questions.

No opposition was expressed.

-----

S04-53, request of Katharine Elizabeth Custer, 6085 Mt. Clinton Pike, Harrisonburg for a boarding house operation on property located on the west side of Mt. Clinton Pike (Route 726) approximately 2/10 mile south of Muddy Creek Road (Route 752) in Central Magisterial District, Election District #4, zoned A-2. Tax Map #91-(A)-174.

Ms. Custer said she was the owner of the former VFW site in Mt. Clinton. She explained that her former plan to use the site as a community center had not been successful and she wished to change the use to a boarding house. She noted that the County allows 5 to 14 boarders for lodging and meals or lodging only. She said she had offered the use to the Calvary Mennonite Fellowship but they did not need it. She said the Eastern Mennonite University seminar students would make use of her facility. She noted that her boarders would be adult, responsible people who would respect the neighborhood. She pointed out that she had adequate parking and that VDOT had approved her entrance. She noted that the Health Department had some concerns related to her septic system and that she would have to meet the Department's requirements before her facility could open. She gave the Board a petition, which she said had been signed by 95 percent of her neighbors in favor of her request.

Daniel Hostetler, with the Calvary Mennonite Church, neighbor to the site, said he saw no problem with the proposal and thought it would be a good asset for the community.

No opposition was expressed.

-----

S04-54, request of Andrew E. Yoder, 562 Churchmans Mill Road, Stuarts Draft for a woodworking shop on property located on the west side of Cromer Road (Route 765) approximately 1/2 mile west of Harpine Highway (Route 42) in Linville Magisterial District, Election District #2, zoned A-2. Tax Map #78-(A)-112A.

Mr. Yoder said he and his family had been in the woodworking business in Augusta County for 10 years. He noted that the business manufactures outdoor furniture, swings, gazebos, etc. He said he intended that his business would be an asset to the community.

-----

Chairman Ahrend closed the public hearing and called the meeting back to order at 7:21 p.m.

-----

On motion by Supervisor Kyger, seconded by Supervisor Cuevas and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; subject to the following conditions, the Board approved S04-51, request of L. Wayne & Patricia E. Harper, 1161 Sharpes Drive, for indoor recreation (Pump for Parties franchise) on property located on the north side of Cecil Wampler (Route 704) approximately 1,000 feet southeast of South Valley Pike (Route 11) in Ashby Magisterial District, Election District #4, zoned B-1 conditional (General Business with conditions). Tax Map # 123-(A)-73 (portion).

1. The use shall be located in substantial accordance with plot plan as approved by the Board of Supervisors.
2. Building shall comply with the Virginia Uniform Statewide Building Code, and the proper permits shall be obtained.
3. A commercial entrance permit shall be obtained from VDOT's Residency Office and shall be submitted to the Department of Community Development prior to obtaining final zoning approval for building permits.
4. VDOT further conditioned this request on banks being graded to provide the required site distance, which does not currently exist and providing an acceptable flood plain review.
5. This property is located in the 100 year floodplain of Blacks Run. All County, State and Federal regulations



pertaining to the floodplain shall be met. An acceptable delineation of the floodway must be established and the County may require a conditional letter of map revision (CLOMR). In the event of adverse comment or concern on the part of another agency, the County will require a FEMA review of the floodway delineation study.

6. This permit is contingent upon a site plan and subdivision plat being submitted to and approved by the County. No permits shall be issued by the Department of Community Development and no work shall be done on the property until such time as a site plan and final subdivision plat are approved. A site plan and final subdivision plat shall not be approved until such time as all flood issues are resolved.
7. Off-street parking shall comply with the Rockingham County Code.
8. On-premise advertising sign shall comply with the Rockingham County Code, and a permit shall be obtained for any sign.
9. There shall be no off-premise signs allowed unless all County and VDOT requirements for outdoor advertising signs are met.
10. This business shall not begin operation until such time as a certificate of occupancy is issued by the County. No certificate of occupancy shall be issued until all other conditions of this permit are met.

-----

On motion by Supervisor Breeden, seconded by Supervisor Floyd and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; subject to the following conditions, the Board approved S04-52, request of Thomas O. Dean, 19952 Mt. Pleasant Road, Elkton, for a second residence (for son who works on farm) on property located on the south side of Mt. Pleasant Road (Route 623) approximately 1/4 mile west of Hensley Hollow Road (Route 622) in Stonewall Magisterial District, Election District #5, zoned A-2 (General Agricultural). Tax Map #132-(A)-123.

- (1) The use shall be located in substantial accordance with plot plan as approved by the Board of Supervisors.
- (2) Residence shall comply with the Virginia Uniform Statewide Building Code, and the proper permits shall be obtained.
- (3) VDOT approves the use of the existing right-of-way serving just this parent tract. VDOT does, however, reserve the right to require future entrance upgrades should conditions warrant.
- (4) This residence shall not be used for rental purposes.
- (5) This residence shall not be occupied until a certificate of occupancy is issued from the County. No

certificate of occupancy shall be issued until all other conditions of this permit are met.

-----

Noting that he had visited the Custer site, Supervisor Kyger said he thought the applicant had done a lot of study and homework on her plans. He said that, although he knew there was some opposition to what she wanted to do, there was overwhelming support from the surrounding community. On motion by Supervisor Kyger, seconded by Supervisor Cuevas and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; subject to the following conditions, the Board approved S04-53, request of Katharine Elizabeth Custer, 6085 Mt. Clinton Pike, Harrisonburg for a boarding house operation on property located on the west side of Mt. Clinton Pike (Route 726) approximately 2/10 mile south of Muddy Creek Road (Route 752) in Central Magisterial District, Election District #4, zoned A-2.

- (1) The use shall be located in substantial accordance with plot plan as approved by the Board of Supervisors.
- (2) A change of use building permit shall be required and the proper permits shall be required.
- (3) VDOT reserves the right to require future entrance upgrades should conditions warrant.
- (4) This permit is contingent upon applicant being able to meet the requirements of the Health Department. A copy of an approved septic permit shall be submitted to the Community Development Department prior to issuance of a building permit.
- (5) This permit is contingent upon a site plan being submitted to and approved by the County. No permits shall be issued by the Department of Community Development and no work shall be done on the property until such time as a site plan is approved.
- (6) This business shall meet all requirements of the State Fire Prevention Code, and applicant shall meet with the County Fire Marshall to determine those regulations.
- (7) Off-street parking shall comply with the Rockingham County Code.
- (8) On-premise advertising sign shall comply with the Rockingham County Code, and a permit shall be obtained for any sign.
- (9) There shall be no off-premise signs allowed unless all County and VDOT requirements for outdoor advertising signs are met.
- (10) This business shall not begin operation until such time as a certificate of occupancy is issued by the County. No certificate of occupancy shall be issued until all other conditions of this permit are met.
- (11) If the private community center continues, all conditions of that special use permit shall remain in effect and shall be enforced.

-----

At the request of Chairman Ahrend, on motion by Supervisor Kyger, seconded by Supervisor Cuevas and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; subject to the following conditions, the Board approved S04-54, request of Andrew E. Yoder, 562 Churchmans Mill Road, Stuarts Draft for a woodworking shop on property located on the west side of Cromer Road (Route 765) approximately 1/2 mile west of Harpine Highway (Route 42) in Linville Magisterial District, Election District #2, zoned A-2. Tax Map #78-(A)-112A.

- (1) The use shall be located in substantial accordance with plot plan as approved by the Board of Supervisors.
- (2) Buildings shall comply with the Virginia Uniform Statewide Building Code, and the proper permits shall be obtained.
- (3) This business shall meet all requirements of the State Fire Prevention Code, and applicant shall meet with the County Fire Marshall to determine those regulations.
- (4) VDOT requires that the applicant obtain a permit to upgrade the middle entrance to a private subdivision standard. A copy of said permit shall be submitted to the Department of Community Development prior to obtaining a building permit.
- (5) All storage shall be inside the buildings and there shall be no outside storage permitted.
- (6) This permit is contingent upon a site plan being submitted to and approved by the County. No permits shall be issued by the Department of Community Development and no work shall be done on the property until such time as a site plan is approved.
- (7) Off-street parking shall comply with the Rockingham County Code.
- (8) On-premise advertising sign shall comply with the Rockingham County Code, and a permit shall be obtained for any sign.
- (9) There shall be no off-premise signs allowed unless all County and VDOT requirements for outdoor advertising signs are met.
- (10) This business shall not begin operation until such time as a certificate of occupancy is issued by the County. No certificate of occupancy shall be issued until all other conditions of this permit are met.
- (11) If the three poultry houses on the property continue to be used for vehicle storage, all conditions of the 2003 permit shall remain in effect and shall be enforced.
- (12) If the use of the remaining poultry houses on the property changes, the new use shall comply with the Rockingham County Code.

oooooOooooo

**CENTRAL SHENANDOAH EMS COUNCIL.**

On motion by Supervisor Kyger, seconded by Supervisor Floyd and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board appointed Robert Symons as a Council Member and Jerry Bauserman as an alternate to the Central Shenandoah EMS Council for a three-year term, which will expire on October 31, 2006.

oooooOooooo

**COMMITTEE REPORTS.**

The Board heard Committee Reports from Board members and staff.

Supervisor Kyger asked Mr. Paxton to work with other local officials to help find a solution to the personal property tax matter discussed earlier in the meeting.

On motion by Supervisor Cuevas, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board endorsed the I-81 Corridor Position Statement of the Shenandoah Valley Partnership.

oooooOooooo

**CLOSED MEETING.**

On motion by Supervisor Kyger, seconded by Supervisor Cuevas and carried by the following vote: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; and KYGER - AYE; the Board recessed the meeting from 7:30 to 8:13 p.m. for consultation with legal counsel pertaining to contract negotiations with the City of Harrisonburg and to discuss personnel matters as set forth by Virginia Code Section 2.2-3771(A)(7) and (1).

At 8:13 p.m., Chairman Ahrend called the meeting back to order and the following motion was adopted.

MOTION: SUPERVISOR KYGER RESOLUTION NO: X04-11  
SECOND: SUPERVISOR CUEVAS MEETING DATE: OCT. 13, 2004

**CERTIFICATION OF CLOSED MEETING**

WHEREAS, the Rockingham County Board of Supervisors has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by this Board of Supervisors that

such Closed Meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Rockingham County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the Closed Meeting to which this certification resolution applies; and (ii) only such public business matters as were identified in the motion convening the Closed Meeting were heard, discussed or considered by the Board of Supervisors.

VOTE:

AYES: AHREND, BREEDEN, CUEVAS, FLOYD, KYGER

NAYS: NONE

ABSENT: NONE

oooooOooooo

#### **INFORMATION ITEMS.**

The Board received the following information items from the County Administrator.

- a. Invitation dated September 29, 2004, from Virginia Cooperative Extension concerning a Community Issues Forum to be held on October 14, 2004.
- b. Invitation from Goodwill Industries of the Valleys to grand opening of its new retail store, 1740 East Market Street, Harrisonburg, on October 13, 2004.
- c. Letter from Bridgewater Town Attorney with public notice pertaining to potential annexation of property just east of Bridgewater.
- d. Invitation from Highland County to luncheon in honor of the Capitol Holiday Tree 2004 on November 13, 2004.
- e. August 2004 Water Report to State Health Department.
- f. Letter dated September 27, 2004, from Paul Ferguson, Arlington County Board, asking for support for his candidacy for the Virginia Association of Counties (VACo) Secretary-Treasurer.
- g. Letter dated September 8, 2004, from Accomack County Administrator, asking for support for Donald L. Hart's candidacy for the Virginia Association of Counties (VACo) Secretary-Treasurer.
- h. Letter dated September 23, 2004, from Adelphia cable television company in regard to its bankruptcy process.
- i. Treasurer's Quarterly Refund Report for July 1, 2004, to September 30, 2004.

- j. Letter dated September 23, 2004, from Virginia Department of Transportation (VDOT) with list of all changes to the Secondary System of State Highways approved in August 2004.
- k. Information concerning Community Meeting on "Gangs in the Valley" held on October 12, 2004.
- l. Letter dated September 20, 2004, from Virginia Auditor of Public Accounts advising that the Treasurer and other constitutional officers complied with state laws and regulations.
- m. Building Inspections Report for September 2004.
- n. Letter dated October 1, 2004, from Shenandoah Valley Regional Airport Commission, expressing appreciation to the Board for its approval of the Airport's Borrowing Resolution.
- o. Quarterly Report from the Sheriff's Department regarding the inmate population for July through September 2004.

oooooOooooo

**ADJOURNMENT.**

By consensus, the Board adjourned the meeting at 8:15 p.m.

oooooOooooo

---

Chairman